REMARKS

Reconsideration and allowance of the subject application in view of the foregoing amendments and the following remarks is respectfully requested.

Claims 1-20 are pending.

Withdrawal of the rejection of claims 1-20 over Deshpande in view of Stewart is noted with appreciation.

Claims 1-20 are patentable over *Haartsen* (U.S. 5,598,459) in view of *Kalavade et al.* (U.S. Published Application 2002/0191575)

The rejection of claims 1-20 under 35 U.S.C. 103(a) as being unpatentable over *Haartsen* in view of *Kalavade* is hereby traversed for at least five (5) reasons.

***Haartsen* fails to verify the trustworthiness with a party independent from the service provider**

First, *Haartsen* fails to disclose verifying the trustworthiness of a provider with a party independent from said provider. Haartsen, at column 5, line 53 - column 6, line 13, fails to describe that the wide area cellular network party is **independent** from the provider of the telephone base station service. Nowhere does Haartsen appear to describe the wide area cellular network as independent from the telephone base station service. For at least this reason, withdrawal of the rejection is respectfully requested.

Second, the PTO-identified portion of Haartsen appears to describe the authentication of the cellular terminal to the telephone base station "in order **to prevent unauthorized cellular terminals** from accessing the base station." Haartsen at column 5, lines 56-59 (emphasis added). Thus, Haartsen appears to describe determining authorization of cellular terminals to access the telephone base station in contradistinction to the claimed verifying the trustworthiness of the provider of the service, i.e., the telephone base station, with a party independent from the provider. For at least this reason, withdrawal of the rejection is respectfully requested.

Further, in an embodiment, Haartsen appears to describe that "**the base station 110 can then decide** if the cellular terminal 120 can access the telephone base station if the responses [to

a random number provided to an algorithm on both the cellular terminal and the telephone base station] match." Haartsen at column 7, lines 65-67 (emphasis added). For at least this reason, withdrawal of the rejection is respectfully requested.

Third, column 5, line 60 - column 6, line 13 of Haartsen appears to describe authentication of the cellular terminal to the wide area cellular network by distribution of a secret key to "both . . . the cellular terminal and . . . the wide area cellular network" for use in combination with "a random number RAND" to derive "a cellular telephone response RESP_M using a crypto algorithm A." "[T]he wide area cellular network compares RESP_M with" a wide area cellular network generated response RESP_N to determine if "the cellular terminal has the correct secret key . . . and its identity is therefore verified" to the wide area cellular network. Haartsen at column 5, line 60 - column 6, line 13. Based on the foregoing, Haartsen appears to describe the verification of the identity of the cellular terminal to the wide area cellular network and **not** the verification of the trustworthiness of the provider of the service with a party independent from the provider as claimed in claim 1. For at least this reason, withdrawal of the rejection is respectfully requested.

***Haartsen* fails to provide a confirmation that the service provider is authenticated**

Fourth, *Haartsen* fails to disclose providing a confirmation to the user that the service provider is authenticated. In contrast with the presently claimed subject matter, *Haartsen* appears to describe that "communication is initiated between the wire telephone network and the cellular terminal via the base station" without providing any confirmation to the user indicating authentication of the provider of the service. *Haartsen* at column 3, lines 35-37. Further, the relay operation of the cellular terminal between the telephone base station and the wide area cellular network appears to describe transfer of the authentication challenge and the authentication response without describing provision to the user of a confirmation of authentication of the service provider. For at least this reason, withdrawal of the rejection is respectfully requested.

The PTO admits that *Haartsen* fails to disclose at least "a wireless hotspot" as claimed in claim 1. The PTO attempts to cure the noted deficiency of *Haartsen* by combining *Haartsen* with *Kalavade*; however, *Kalavade* fails to cure the noted deficiencies and withdrawal of the rejection is respectfully requested.

Kalavade* is not combinable with *Haartsen

Fifth, the PTO asserts that a person of ordinary skill in the art at the time of the present invention would be motivated to combine *Haartsen* with *Kalavade* in order to provide, "a method for converging local area and wide area wireless data networks." Official Action mailed August 7, 2007 at page 3, lines 4-5. This is incorrect as the PTO has failed to identify any teaching or suggestion in either reference teaching, suggesting, or motivating a person of ordinary skill in the art to combine the references as stated nor has the PTO articulated a reasonable rationale for combining the references as asserted. The PTO has stated a conclusion without providing any rationale supporting the conclusion.

"When an obviousness determination is based on multiple prior art references, there must be a showing of some 'teaching, suggestion, or reason' to combine the references." Winner International Royalty Corp. v. Wang, 53 USPQ2d 1580, 1586 (Fed. Cir. 2000). Ecolochem, Inc. v. S. Cal. Edison Co., 227 F.3d 1361, 1372 (Fed. Cir. 2000) ("Although the suggestion to combine references may flow from the nature of the problem, '[d]efining the problem in terms of its solution reveals improper hindsight in the selection of the prior art relevant to obviousness.'" (internal citation omitted) (quoting Monarch Knitting Mach. Corp. v. Sulzer Morat GmbH, 139 F.3d 877, 881 (Fed. Cir. 1998))) The PTO has failed to make such a showing supporting the applied combination of references and therefore the applied combination of references is improper. The PTO is in error for any of the above reasons and has not made out a prima facie case of obviousness, and the rejection of claim 1 should be withdrawn.

Based on the foregoing, claim 1 is patentable over the combination of *Haartsen* with *Kalavade* and the rejection should be withdrawn.

Claims 2-9 depend, either directly or indirectly, from claim 1, include further important limitations, and are patentable over *Haartsen* in view of *Kalavade* for at least the reasons advanced above with respect to claim 1. Withdrawal of the rejection of claims 2-9 is in order.

Claim 10 is patentable over *Haartsen* in view of *Kalavade*

Independent claim 10 is patentable over the asserted combination of Haartsen in view of Kalavade for at least reasons similar to those advanced above with respect to claim 1. For example, independent claim 10 is patentable over *Haartsen* in view of *Kalavade* as the asserted combination of references fails to disclose authenticating the service providers as claimed in the subject matter of claim 10. As described above with respect to claim 1, there is no disclosure of authenticating service providers in *Haartsen* or *Kalavade*. For each of the foregoing reasons, claim 10 is patentable over *Haartsen* in view of *Kalavade* and withdrawal of the rejection is in order.

Claims 11-13 and 18 depend, either directly or indirectly, from claim 10, include further important limitations, and are patentable over *Haartsen* in view of *Kalavade* for at least the reasons advanced above with respect to claim 10. Withdrawal of the rejection of claims 11-13 and 18 is in order.

Claims 14 and 15 are patentable over *Haartsen* in view of *Kalavade*

Independent claims 14 and 15 are patentable over *Haartsen* in view of *Kalavade* for at least reasons similar to those advanced above with respect to claim 10 and withdrawal of the rejections is in order.

Claims 16-17 and 19-20 depend, either directly or indirectly, from claim 15, include further important limitations, and are patentable over *Haartsen* in view of *Kalavade* for at least the reasons advanced above with respect to claim 15. Withdrawal of the rejection of claims 16-17 and 19-20 is in order.

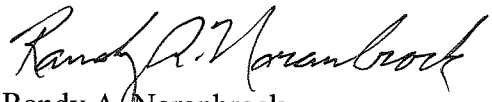
Conclusion

All objections and rejections having been addressed, it is respectfully submitted that the present application should be in condition for allowance and a Notice to that effect is earnestly solicited.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 08-2025 and please credit any excess fees to such deposit account.

Respectfully submitted,

James Thomas Edward McDonnell



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